

**COUNCIL OF THE CITY OF ABERDEEN**  
**Charter Amendment Resolution No. 16-CR-01**

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<b>Introduced By:</b>	<b>Mayor Patrick L. McGrady</b>
<b>Date Introduced:</b>	<b>September 26, 2016</b>
<b>Public Hearing:</b>	<b>October 10, 2016</b>
<b>Amendments Adopted:</b>	<b>No Amendments</b>
<b>Date Adopted:</b>	<b>October 10, 2016</b>
<b>Date Effective:</b>	<b>November 29, 2016</b>

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1 **A CHARTER AMENDMENT RESOLUTION** concerning

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3 **City Borrowing Authority - Notes**

4  
5 **FOR** the purpose of providing additional borrowing authority for the City of Aberdeen up to  
6 a certain amount of indebtedness by issuance of certain notes for up to a certain  
7 duration of time; providing for the repayment of such notes and authorizing the levying  
8 of taxes for that purpose; providing that such notes will be full faith and credit  
9 obligations of the City; providing that the City may issue such notes private sale  
10 without advertisement, publication, notice of sale or competitive bidding, where such  
11 private sale is authorized by ordinance; and generally relating to borrowing authority  
12 for the City of Aberdeen.

13  
14 **BY** adding  
15 § VIII. Finance and taxation  
16 Section VIII.18A  
17 Charter of the City of Aberdeen (as published by General Code Corporation)

**EXPLANATION:**

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW  
((Double Parenthesis)) indicate matter deleted from existing law.  
Underlining indicates amendments to Resolution.  
~~Strike Out~~ indicates matter stricken from Resolution by amendment or  
deleted from the Charter by amendment.  
\* \* \* indicates existing unmodified text omitted from Resolution

**SECTION 1. BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ABERDEEN** that Section VIII.18A be and it is hereby added to the Charter of the City of Aberdeen (as published by General Code Corporation), § VIII, Finance and taxation, to follow immediately after Section VIII.18 thereof and to read as follows:

**§ VIII. Finance and taxation.**

18A. IN ADDITION TO THE BORROWING AUTHORITY CONTAINED IN SECTION VIII.18, AND AS AUTHORIZED BY MD CODE, LOCAL GOVERNMENT, § 19-301, THE CITY OF ABERDEEN MAY EXERCISE THE BORROWING AUTHORITY CONTAINED IN THIS SECTION.

- A. THE CITY OF ABERDEEN MAY BORROW UPON ITS FAITH AND CREDIT FOR A PERIOD NOT TO EXCEED FIFTEEN (15) YEARS SUCH SUM OR SUMS FROM TIME TO TIME AS MAY BE DEEMED NECESSARY TO PROVIDE FOR THE PAYMENT OF ANY OBLIGATIONS OF THE CITY. THE AGGREGATE PRINCIPAL AMOUNT OF THE SUMS BORROWED OUTSTANDING AND UNPAID AT ANY ONE TIME SHALL NOT EXCEED THREE MILLION DOLLARS (\$3,000,000.).
- B. THE CITY MAY ISSUE NOTES TO SECURE REPAYMENT OF THE SUMS BORROWED. THE NOTES SHALL BE SIGNED BY THE MAYOR AND DULY ATTESTED. THE SEAL OF THE CITY SHALL BE AFFIXED TO EACH NOTE. THE ATTACHED INTEREST COUPONS, IF ANY, SHALL BE AUTHENTICATED BY THE FACSIMILE SIGNATURE OF THE MAYOR, PRINTED, ENGRAVED OR LITHOGRAPHED ON EACH COUPON. EACH NOTE SHALL BE DATED AND SHALL MATURE AND BE PAYABLE NOT LATER THAN SIXTY (60) MONTHS FROM THE DATE OF THE NOTE.
- C. EACH NOTE SHALL BE AND REMAIN AN OBLIGATION OF THE CITY OF ABERDEEN ISSUED UPON THE FULL FAITH AND CREDIT OF THE CITY. THE NOTE SHALL BE ISSUED AND SOLD IN SUCH MANNER AND UPON SUCH TERMS AND CONDITIONS AND SHALL BEAR SUCH RATE OF INTEREST AS THE CITY COUNCIL MAY DETERMINE, BUT THE AGGREGATE PRINCIPAL AMOUNT OF THE NOTES AT ANY TIME OUTSTANDING AND UNPAID SHALL NOT EXCEED THREE MILLION DOLLARS (\$3,000,000.).
- D. FOR THE PURPOSE OF REPAYING THE SUMS BORROWED, THE NOTES ISSUED IN EVIDENCE OF THE AMOUNTS BORROWED, AND THE INTEREST ON THE NOTES, THE CITY COUNCIL ANNUALLY SHALL LEVY A TAX UPON ALL THE ASSESSABLE REAL AND TANGIBLE PERSONAL PROPERTY IN THE CITY SUFFICIENT TO PROVIDE FUNDS FOR THE PAYMENT OF ALL THE SUMS WHEN DUE AND PAYABLE. IF THE PROCEEDS FROM THE TAXES LEVIED IN ANY FISCAL YEAR ARE

1           INADEQUATE FOR SUCH PAYMENT THEN DUE, ADDITIONAL TAXES  
2           SHALL BE LEVIED IN THE SUCCEEDING FISCAL YEAR TO MAKE UP THE  
3           DEFICIENCY.  
4

5           E. NOTWITHSTANDING SUBSECTION D., THE CITY MAY PAY THE  
6           PRINCIPAL OF AND INTEREST ON THE NOTE FROM THE PROCEEDS OF  
7           THE SALE OF ANY OTHER OBLIGATIONS OF THE CITY OR FROM ANY  
8           OTHER FUNDS LEGALLY AVAILABLE FOR THAT PURPOSE. THE CITY  
9           MAY APPLY TO THE PAYMENT OF THE PRINCIPAL OF OR INTEREST ON  
10          THE NOTE ANY FUNDS RECEIVED BY IT FROM THE STATE OF  
11          MARYLAND OR THE UNITED STATES OF AMERICA, OR ANY  
12          GOVERNMENTAL AGENCY OR INSTRUMENTALITY, OR FROM ANY  
13          OTHER SOURCE, IF SUCH FUNDS ARE GRANTED OR PAID TO THE CITY  
14          OR ARE OTHERWISE AVAILABLE FOR THE PURPOSE OF ASSISTING THE  
15          CITY IN ACCOMPLISHING THE TYPE OF PROJECT OR EXPENSE WHICH  
16          THE NOTE IS ISSUED TO FINANCE OR REFINANCE, AND TO THE EXTENT  
17          OF ANY SUCH FUNDS RECEIVED OR RECEIVABLE IN ANY FISCAL YEAR,  
18          THE TAXES HEREBY REQUIRED TO BE LEVIED MAY BE REDUCED  
19          PROPORTIONATELY.  
20

21          F. THE ISSUANCE OF NOTES UNDER THIS SECTION SHALL BE  
22          AUTHORIZED BY ORDINANCE OF THE MAYOR AND COUNCIL.  
23

24          G. THE POWERS CONFERRED ON THE TOWN UNDER THIS SECTION ARE  
25          ADDITIONAL AND SUPPLEMENTAL TO ANY OTHER BORROWING  
26          AUTHORITY GRANTED TO THE CITY BY MARYLAND PUBLIC GENERAL  
27          OR PUBLIC LOCAL LAW OR THIS CHARTER, AND THE CITY MAY  
28          AUTHORIZE, ISSUE AND SECURE ANY SUCH OTHER DEBT IN  
29          CONFORMITY WITH THIS CHARTER AND ANY OTHER APPLICABLE  
30          LAW.  
31

32          H. ANY NOTES ISSUED BY THE CITY PURSUANT TO THIS SECTION MAY BE  
33          SOLD AT PRIVATE SALE WITHOUT ADVERTISEMENT, PUBLICATION,  
34          NOTICE OF SALE OR SOLICITATION OF COMPETITIVE BIDS, WHERE  
35          SUCH PRIVATE SALE IS AUTHORIZED BY ORDINANCE OF THE MAYOR  
36          AND COUNCIL.  
37

38           **SECTION 2. AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE**  
39   **CITY OF ABERDEEN** that the date of adoption of this Resolution is October 10, 2016, and the  
40   amendment of the Charter of the City of Aberdeen hereby enacted shall become effective on  
41   November 29, 2016, unless a proper petition for referendum hereon shall be filed as permitted by  
42   law, provided a complete and exact copy of this Resolution shall be continuously posted on the  
43   bulletin board in Aberdeen City Hall until November 19, 2016, and provided further that a copy  
44   of the title of this Resolution shall be published in The Record, a newspaper of general

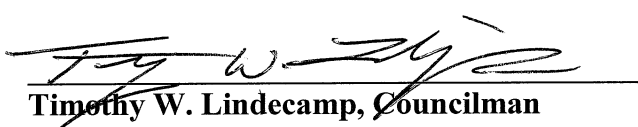
1 of general circulation in the City of Aberdeen, or in any other newspaper of such general  
2 circulation, once in each of the weeks beginning October 14, October 21, October 28, and  
3 November 4, 2016.

4  
5 **SECTION 3. AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE**  
6 **CITY OF ABERDEEN** that the City Clerk is hereby specifically commanded to carry out the  
7 provisions of Section 2, hereof, and, as evidence of such compliance, the City Clerk shall cause  
8 to be maintained appropriate certificates of publication of the newspaper or newspapers in which  
9 the title of the Resolution shall have been published. If a favorable referendum is held on the  
10 Charter change, the Mayor shall proclaim the Charter change hereby enacted to have been  
11 approved by the voters and the charter amendment shall become effective on the date provided  
12 by law.

13  
14 **SECTION 4. AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE**  
15 **CITY OF ABERDEEN** that as soon as the Charter Amendment hereby enacted shall become  
16 effective, either as provided herein or following a referendum, the City Clerk shall send by mail  
17 to the Department of Legislative Services of Maryland, a clear certified copy of this Resolution  
18 showing the number of Councilpersons voting for and against it and a report on the votes cast for  
19 or against the amendment hereby enacted at any referendum thereon and the date of such  
20 referendum.

21  
22 The above Charter Amendment was enacted by the foregoing Resolution which was  
23 passed at a regular meeting of the Council of the City of Aberdeen on October 10, 2016, five (5)  
24 members of the Council voting in the affirmative, zero (0) members of the Council voting in the  
25 negative, zero (0) members of the Council abstaining, and zero (0) members of the Council  
26 absent, and the said Resolution becomes effective accordance with the law on the 29th day of  
27 November, 2016.

**COUNCIL OF THE CITY OF ABERDEEN**

  
\_\_\_\_\_  
**Patrick L. McGrady, Mayor**  
\_\_\_\_\_  
**Steven E. Goodin, Councilman**  
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**Sandra J. Landbeck, Councilwoman**  
\_\_\_\_\_  
**Timothy W. Lindecamp, Councilman**  
\_\_\_\_\_  
**Melvin T. Taylor, Councilman**

**ATTEST:**

**SEAL:**

  
\_\_\_\_\_  
**Monica A. Correll, City Clerk**

Date October 10, 2016